
From: Mark Boucher <mbouc@pw.cccounty.us>
Sent: Wednesday, May 14, 2014 12:21 PM
To: Wallace, Keith@DWR
Cc: Mike Carlson
Subject: Draft 2014 Drought Grant Proposal Solicitation Package - Comments

California Department of Water Resources
Division of Integrated Regional Water Management
Financial Assistance Branch
Post Office Box 942836
Sacramento, CA 94236
Attn: Keith Wallace

Dear Mr. Wallace,

I am writing to comment on the Draft 2014 Drought Grant Proposal Solicitation Package (PSP) with regard to the California Statewide Groundwater Elevation Monitoring (CASGEM) Program funding eligibility requirement. These requirement are set forth on page 18 of the draft PSP.

As a Contra Costa County employee and Sr. Manager for the Contra Costa County Flood Control and Water Conservation District (FC District) I request that the State consider removing the CASGEM eligibility requirement from the PSP for the following reasons.

1. The groundwater basin priorities have not been finalized. The draft documents currently state, "DWR has established high, medium, and low priority groundwater basins"; this statement is not yet true. We have heard via the recent workshops that the State may finalize them in the very near future.
2. We believe the timeframe to respond to groundwater prioritization has been unfairly short, especially in conjunction with the release of the draft PSP for the expedited drought round. We were unaware until very recently that this prioritization and lack of a groundwater monitoring entity could put us in a place that would jeopardize our Integrated Regional Water Management (IRWM) Groups participants' eligibility for grants.

We did receive mass emails announcing the CASGEM workshops late last year. However, we did not perceive that the CASGEM issues pertained to our County or FC District agencies. Nothing in those announces highlighted the eligibility requirement. As a County and FC District we do not manage our own have monitoring wells except possibly those for shallow ground water tables specific for short term construction projects. Though it is highly likely that the State has followed the proper public noticing for CASGEM outreach, we feel the noticing did not adequately emphasize the ramifications of not responding.

3. As we've reviewed the California Water Code (CWC) Section (§10927 - §10936) regarding CASGEM, we noticed in §10933.5 states, "the department shall perform the groundwater monitoring functions for those portions of a basin or subbasin for which no monitoring entity has agreed to perform the groundwater monitoring functions". Paragraph (b) of this section indicates that the State needs to make a determination that it is required to perform groundwater monitoring functions. We believe it would follow that if the State has not made a determination, the State cannot consider the potential monitoring entities ineligible.

We feel strongly that these determinations can only be fairly made after contacting the potential monitoring entities and entering into constructive dialogue regarding the CASGEM program. Time should be allowed so that the potential monitoring entities can make a clear assessment of how the monitoring and reporting will be done and by whom. We have not been directly contacted by the State on this matter. Adequate time has not been allowed to make a reasonable response.

Further, we understand that all groundwater basins will eventually need to be monitored. It would seem more reasonable to allow more time to establish the monitoring of the high and medium priority basins with the vision of the future monitoring of the low and very low priority basins. This would allow time to for certain interagency agreements to be put in place to allow sharing the cost of the CASGEM requirement.

4. In Contra Costa County, we have learn very recently that the State has been in conversations with the East Bay Municipal Utility District for some time about the Santa Clara Valley, East Bay Plain sub-basin. We have not been

included in those conversations. Also, we have not heard about any conversations between the State and other entities related the San Joaquin Valley, Tracy sub-basin.

Since the County is listed in CWC §10933.7 as one of the entities that “shall not be eligible for a water grant or loan awarded or administered by the state”, it only seems fair that the County should be contacted directly and allowed time to respond appropriately to the CASGEM requirement before the State can formally determine that it must perform the groundwater monitoring function. Again, without such a determination, we believe the State cannot consider the potential monitoring entities ineligible.

5. We do not believe that enforcing the CASGEM eligibility requirement for this PSP is consistent with Governor's and Legislature's direction to DWR to expedite the PSP and award of \$200 million in IRWM funding. This in a sense is like calling the runners to the starting line and then putting unreasonable hurdles on the track for certain participants.

We agree that the CASGEM program has merit. As an important water source for California, the groundwater basins do need to be understood as well as the snowpack. However, we hope the State will agree with us that it would be better to remove the CASGEM compliance eligibility requirement for this expedited drought relief grant round. It would be more reasonable to include the CASGEM requirement in future grant rounds so that the State and potential monitoring entities will have more time to coordinate.

If you have any questions, please feel free to contact me at (925) 313-2274 or mbouc@pw.cccounty.us.

Sincerely,

Mark Boucher, PE

Senior Hydrologist

